



FISCAL MEMORANDUM

SB 915 - HB 1072

April 5, 2021

SUMMARY OF ORIGINAL BILL: Deletes repealed references to a repealed section of code.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006664): Deletes all language after the enacting clause. Specifies that in an action brought against the state, a department or agency of this state, or an elected or appointed official of this state in their official capacity that challenges the constitutionality of a state statute, the state may appeal from an interlocutory order of a circuit or chancery court of this state in certain circumstances and upon such appeal, stay any injunction issue by the court pending the final outcome of the appeal. Specifies that this legislation does not permit a municipality, county, or any other political subdivision of the state to bring or fund an action against the state, any department or agency of the state, or an elected or appointed official of this state in their official capacity to determine the constitutionality of a state statute. Specifies a severability clause.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Rule 9 of the Administrative Office of the Courts (AOC) Rules of Appellate Procedure, an appeal by permission may be taken from an interlocutory order of a trial court from which an appeal lies to the Supreme Court, Court of Appeals or Court of Criminal Appeals only upon application and in the discretion of the trial and appellate court.
- The language of the legislation specifies that the state is authorized to appeal from an interlocutory order of a circuit or chancery court that:
 - Grants, continues, or modifies an injunction; or
 - Denies a motion to dissolve or modify an injunction.
- It is currently unknown how many court cases this could impact. However, per a 2018 article concerning North Carolina's constitutionality challenges, there have been

approximately 30 challenges to laws enacted by the General Assembly in North Carolina state court over the past four years.

- Given the relatively low figure of cases that could potentially be impacted, it can be reasonably assumed that granting the state the ability to appeal from an interlocutory order in these specific circumstances will not significantly impact the expenditures of the courts, nor will it substantially increase workload.
- There will not be a significant increase to state expenditures as a result of this legislation.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jg